

March 7, 2002

Mr. Ron McCloud  
Horner Electric  
1521 E. Washington Street  
Indianapolis, IN 46201

Re: R 097-13396-00301  
First Reopening to Part 70 Operating  
Permit  
T 097-7787-00301

Dear Mr. McCloud:

Horner Electric was issued a Part 70 Operating Permit on June 30, 1999. The Office of Air Quality determined that it was necessary to reopen your Part 70 permit. Notice of the permit reopening pursuant to 326 IAC 2-7-9(c) was provided on August 16, 2000. The notice was published in the newspaper on January 15, 2002. No comments were received during the 30 day public notice comment period and the change is incorporated into your Part 70 permit.

As stated in the Notice, the language in 40 CFR Part 70.6(c)(5)(iii)(B)) was changed from "continuous or intermittent compliance" to "based on continuous or intermittent data" as part of the U.S. EPA's 1997 Compliance Assurance Monitoring rule making (Federal Register Volume 62, page 54900-54947, Wednesday, October 22, 1997). The U.S. District Court of Appeals, Washington D.C. ruled against EPA's language, saying that the Clean Air Act wording of continuous or intermittent compliance had to be used. (NRDC vs. EPA, #97-1727) Therefore, the following change is being made to your permit to be consistent with state and federal law.

Condition B.11(c)(3) is revised as follows:

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B.11 Annual Compliance Certification [326 IAC 2-7-6(5)]

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- (c) The annual compliance certification report shall include the following:
- (1) The appropriate identification of each term or condition of this permit that is the basis of the certification;
  - (2) The compliance status;
  - (3) Whether compliance was ~~based on~~ continuous or intermittent ~~data~~;
  - (4) The methods used for determining compliance of the source, currently and over the reporting period consistent with 326 IAC 2-7-5(3); and
  - (5) Such other facts, as specified in Sections D of this permit, as IDEM, OAQ, may require to determine the compliance status of the source.

The name of IDEM's "Office of Air Management" was changed to "Office of Air Quality" on January 1, 2001. All references to "Office of Air Management" in the permit pages have been changed to "Office of Air Quality" and all references to "OAM" have been changed to "OAQ".

All other conditions of the permit shall remain unchanged and in effect. Please attach a copy of this reopening and the revised permit page to the front of the original permit.

This decision is subject to the Indiana Administrative Orders and Procedures Act - IC 4-21.5-3-5. If you have any questions on this matter, please contact Janet Mobley, at (800) 451-6027, press 0 and ask for Janet Mobley or extension 2-8369, or dial (317) 232-8369.

Sincerely,

Original signed by Paul Dubenetzky

Paul Dubenetzky, Chief  
Permits Branch  
Office of Air Quality

PD/jm

Attachments: Revised Permit Page

cc: File - Marion County

Marion County Health Department  
Air Compliance Section Inspector - Dick Sekula  
Indianapolis ERMD  
Compliance Data Section - Karen Nowak  
Permit Review II - Janet Mobley

**PART 70 OPERATING PERMIT  
OFFICE OF AIR QUALITY and  
INDIANAPOLIS ENVIRONMENTAL RESOURCES  
MANAGEMENT DIVISION**

**Horner Electric  
1521 East Washington Street  
Indianapolis, Indiana 46201**

(herein known as the Permittee) is hereby authorized to operate subject to the conditions contained herein, the source described in Section A (Source Summary) of this permit.

This permit is issued in accordance with 326 IAC 2 and 40 CFR Part 70 Appendix A and contains the conditions and provisions specified in 326 IAC 2-7 as required by 42 U.S.C. 7401, et. seq. (Clean Air Act as amended by the 1990 Clean Air Act Amendments), 40 CFR Part 70.6, IC 13-15, IC 13-17 and the Code of Indianapolis and Marion County, Chapter 511.

Operation Permit No.: T097-7787 -00301	
Issued by: Janet G. McCabe, Assistant Commissioner Office of Air Quality  Robert F. Holm, PH.D, Administrator Indianapolis Environmental Resources Management Division	Issuance Date: June 30, 1999  Expiration Date: June 30, 2004

First Reopening No.: R 097-13396 -00301	Page Affected: 9
Original signed by Paul Dubenetzky Issued by: Paul Dubenetzky, Branch Chief Office of Air Quality	Issuance Date: March 7, 2002

This certification, and any other certification required under this permit, shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

- (b) One (1) certification shall be included, on the attached Certification Form, with each submittal.
  - (c) A responsible official is defined at 326 IAC 2-7-1(34).
- B.11 Annual Compliance Certification [326 IAC 2-7-6(5)]
- (a) The Permittee shall annually submit a compliance certification report which addresses the status of the source's compliance with the terms and conditions contained in this permit, including emission limitations, standards, or work practices. The certification shall cover the time period from January 1 to December 31 of the previous year, and shall be submitted in letter form no later than April 15 of each year to:

Indiana Department of Environmental Management  
Compliance Data Section, Office of Air Quality  
100 North Senate Avenue, P. O. Box 6015  
Indianapolis, Indiana 46206-6015  
and  
Environmental Resources Management Division  
Air Quality Management Section, Data Compliance  
2700 South Belmont Avenue  
Indianapolis, Indiana 46221  
and  
United States Environmental Protection Agency, Region V  
Air and Radiation Division, Air Enforcement Branch - Indiana (AE-17J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

- (b) The annual compliance certification report required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ, and ERMD on or before the date it is due.
- (c) The annual compliance certification report shall include the following:
  - (1) The identification of each term or condition of this permit that is the basis of the certification;
  - (2) The compliance status;
  - (3) Whether compliance was continuous or intermittent;
  - (4) The methods used for determining compliance of the source, currently and over the reporting period consistent with 326 IAC 2-7-5(3);
  - (5) Such other facts, as specified in Sections D of this permit, as IDEM, OAQ, and ERMD may require to determine the compliance status of the source.

The submittal by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).